

# **EXHIBIT A**

**BCA-5.25**

Form (Rev. Jan. 2003)

**AFFIDAVIT OF COMPLIANCE FOR SERVICE  
ON SECRETARY OF STATE UNDER THE  
BUSINESS CORPORATION ACT**

File # 6265633

Jesse White  
Secretary of State  
Department of Business Services  
Springfield, IL 62756  
217-524-6748  
www.cyberdrivellinois.com

Remit payment in check or money  
order payable to Secretary of State.

This space for use by Secretary of State.

**FILED**

MAR 24 2008

**JESSE WHITE  
SECRETARY OF STATE****SUBMIT IN DUPLICATE**

Date: 03-24-08

Filing Fee: \$10

Approved: ND

## 1. Title and Number of Case:

JAMES T. SULLIVAN, etc., et al., first named plaintiff  
JTF MECHANICAL, INC. first named defendant

Number 08 C 1045

2. Name of corporation being served: JTF Mechanical, Inc.3. Title of court in which an action, suit or proceeding has been commenced: United States District Court4. Title of instrument being served: First Alias Summons and Complaint

## 5. Basis for service on the Secretary of State: (check and complete appropriate box)

- a.  The corporation's registered agent cannot with reasonable diligence be found at the registered office of record in Illinois.
- b.  The corporation has failed to appoint and maintain a registered agent in Illinois.
- c.  The corporation was dissolved on \_\_\_\_\_, \_\_\_\_\_; the conditions  
of paragraphs (a) or (b) above exist; and the action, suit or proceeding has been instituted against  
or has affected the corporation within five (5) years thereafter.
- d.  The corporation's authority to transact business in Illinois has been withdrawn/revoked (circle  
one) on \_\_\_\_\_, \_\_\_\_\_.
- e.  The corporation is a foreign corporation that has transacted business in Illinois without procuring  
authority, contrary to the provisions of the Business Corporation Act of 1983.

6. Address to which the undersigned will cause a copy of the attached process, notice or demand to be sent by  
certified or registered mail: See Attached

## 7. The undersigned affirms, under penalties of perjury, that the facts stated herein are true, correct and complete.

March 24, 2008

Month &amp; Day Year

Signature of Affiant

( 312 )

580-1200

Telephone Number

## Return to (please type or print clearly):

**TENDERED CHICAGO  
CORP. DEPARTMENT**

Lewis, Overbeck &amp; Furman, LLP

Name	20 North Clark Street, Suite 3200
Street	Chicago, Illinois 60602
City/Town	State ZIP

MAR 24 2008

ACCEPTANCE AND "FILED" DATE  
ESTABLISHED ONLY AFTER  
REVIEW

**INSTRUCTIONS**

Deliver to the Secretary of State:

1. Copy of process, notice or demand;
2. Copy of any papers to be served therewith;
3. Affidavit of Compliance for Service on Secretary of State; and
4. \$10 fee.

**This affidavit will be stamped with the date of filing and returned to the affiant as the only proof of filing.**

After proof of filing has been received, transmit to the corporation being served by CERTIFIED or REGISTERED mail:

1. Copy of process, notice or demand;
2. Copy of any papers to be served therewith;
3. Copy of filed Affidavit of Compliance for Service on Secretary of State.

Transmittal to the corporation being served shall be:

1. At the last registered office of the corporation as shown on the records of the Secretary of State;

**AND**

2. At such address the use of which the person instituting the action, suit or proceeding knows, or on the basis of reasonable inquiry has reason to believe, is most likely to result in actual notice.

Attachment

JTF Mechanical, Inc.  
c/o Raj Thakral, registered agent  
330 East Roosevelt Road  
Suite g-7  
Lombard, Illinois 60148

JTF Mechanical, Inc.  
c/o James Steinhardt, President  
2327 Wolfram Avenue  
Chicago, Illinois 60618

# **EXHIBIT B**

BEFORE THE JOINT ARBITRATION BOARD  
OF THE  
PLUMBING CONTRACTORS' ASSOCIATION  
OF CHICAGO AND COOK COUNTY  
AND  
CHICAGO JOURNEYMEN PLUMBERS'  
LOCAL UNION 130, U.A.

IN THE MATTER OF:  
**Mr. James Steinhardt**  
**J.T.F. Mechanical, Inc.**  
**2327 West Wolfram Avenue**  
**Chicago, Illinois 60618**

**DECISION AND AWARD**

After receipt of a notice of dispute concerning violation of the Collective Bargaining Agreement by J.T.F. Mechanical, Inc., (hereinafter "Employer") and after notice to all parties on September 25, 2007, all parties were permitted to appear and present any and all evidence relevant to the charges at a hearing before the Joint Arbitration Board, as a result of which the Joint Arbitration Board finds:

1. The Employer has violated the contribution and deduction sections of the applicable Collective Bargaining Agreements with the Union by failing to make payments for unreported hours worked by licensed journeymen or apprentice plumbers for the period from May 01, 2004 through June 30, 2005 to each of the following entities in the amounts indicated:

Plumbers' Pension Fund, Local Union 130, U.A.	\$ 2,089.32
Plumbers' Welfare Fund, Local Union 130, U.A.	\$ 3,789.49
Trust Fund for Apprentice and Journeyman Education and Training, Local Union 130, U.A.	\$ 396.72
The Plumbing Council of Chicagoland	\$ 266.94

Local Union 130, U.A. Savings Plan	\$ 242.50
Local Union 130, U.A. Working Dues	\$ 186.20
Legal Fund (Group Legal Service Plan Fund)	\$ 293.77
Total Contributions Due	\$ 7,264.94

2. Pursuant to the Collective Bargaining Agreements, liquidated damages of 8% of the amounts stated in Paragraph 1 are due and are hereby assessed, payable to Local 130 Contribution Account.

3. Pursuant to the Collective Bargaining Agreements, interest on the amounts stated in Paragraph 1 is due and is hereby assessed, payable to Local 130 Contribution Account.

4. The Employer has violated the applicable Collective Bargaining Agreements by permitting subcontractors not party to Collective Bargaining Agreement or persons having an ownership interest in Employer or employees other than licensed journeymen or apprentice plumbers to perform work within the jurisdiction of the Union for the period from May 01, 2004 through June 30, 2005 and shall pay a fine to each of the following entities in the amounts indicated:

Plumbers' Pension Fund, Local Union 130, U.A.	\$ 9,376.37
Plumbers' Welfare Fund, Local Union 130, U.A.	\$ 16,899.08
Trust Fund for Apprentice and Journeymen Education and Training, Local Union 130, U.A.	\$ 1,731.85
The Plumbing Council of Chicagoland	\$ 1,184.84
Legal Fund (Group Legal Service Plan Fund)	\$ 1,326.78
Total Fines Due	\$ 30,518.92

5. An additional fine of 8% of the amounts stated in Paragraph 4 is due and is hereby assessed, payable to Local 130 Contribution Account.

6. As an additional penalty interest on the amounts stated in Paragraph 4 is assessed at the rate set forth in the Collective Bargaining Agreement for late contribution payments and is hereby due, payable to Local 130 Contribution Account.

The Employer is hereby directed and ordered to take the following remedial action:

- I. Pay to Local 130 Contribution Account the sum of \$ 58,968.74 consisting of:
  - A. The contributions due to the entities named in Paragraph 1.
  - B. The fines assessed in Paragraph 4.
  - C. The amount of \$ 3,022.71, which is the total of the amounts assessed in Paragraphs 2 & 5.
  - D. The amount of \$ 18,162.17, which is the total of the amounts assessed in Paragraphs 3 & 6 (interest calculated through October 15, 2007), which interest continues to accrue at the rate of \$ 566.76 per month after November 26, 2007, until full payment of all amounts due pursuant to this Decision and Award.
- II. Cease and desist from violating the Collective Bargaining Agreement in any like or similar manner.

It is further ORDERED that if the Employer does not pay the amounts found due within 30 days after the date this Decision and Award is signed, the Employer shall pay and reimburse the Funds, the Union, and the employee all costs, fees, and expenses incurred by any of them in enforcing this DECISION AND AWARD, including, but not limited to, audit fees, attorneys' fees, and court costs.

JOINT ARBITRATION BOARD

By: Kevin C. Sherlock  
Kevin C. Sherlock  
Secretary

Signed at Chicago, Illinois, this 23rd day of October 2007

# **EXHIBIT C**

04-15-08BTB136904

65100-1043LIT-4648

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JAMES T. SULLIVAN, etc., et al.,	)	
	)	
Plaintiffs,	)	No. 08 C 1045
v.	)	Judge Virginia M. Kendall
JTF MECHANICAL, INC.,	)	
an Illinois corporation,	)	Magistrate Judge Jeffrey Cole
	)	
Defendant.	)	

**AFFIDAVIT CONCERNING ATTORNEYS' FEES AND COSTS**

DOUGLAS A. LINDSAY states that if he were called to testify in the captioned case he would testify as follows:

1. I am an adult and competent.
2. The information contained in this Affidavit is based on my personal knowledge, the business records of LEWIS, OVERBECK & FURMAN, LLP (Firm), and review of public records.
3. During the course of this litigation, Douglas A. Lindsay, a partner in Firm, rendered 1 hour of legal services to Plaintiffs at a rate of \$275.00 per hour, and 3.3 hours of legal services to Plaintiffs at a rate of \$300.00 per hour, for a total of \$1,265.00.
4. During the course of this litigation, Brian T. Bedinghaus, an associate in Firm, rendered 4.1 hours of legal services to Plaintiffs, at a rate of \$170.00 per hour, for a total of \$697.00
5. During the course of this litigation, Robert C. Parizek, a paralegal in the Firm, rendered 4.8 hours of legal services to Plaintiffs, at a rate of \$85.00 per hour, for a total of \$408.00.
6. The legal professionals' fees incurred by Plaintiffs in this matter total \$2,370.00.

7. Plaintiffs have also incurred \$350.00 in court filing fees, \$80.00 for service of process fees, \$60.00 for computerized docketing charges, \$30.56 in postage charges, and \$141.36 in photocopy charges for total costs of \$661.92.

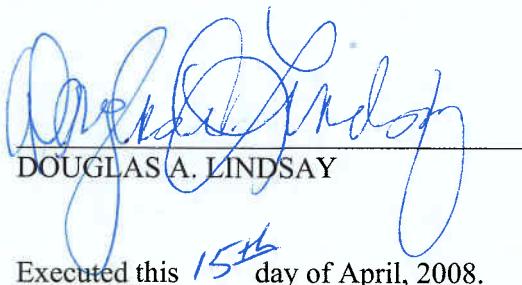
8. The total amount due Plaintiffs for legal fees and costs is \$3,031.92.

9. Attached hereto as Attachment C-1 are true and correct copies of itemized time records and expense records made and kept in the ordinary course of Firm's business.

10. Douglas A. Lindsay has over thirty-one years of ERISA and LMRA litigation experience. Mr. Lindsay has been admitted to practice by the following courts: Illinois Supreme Court (1976); United States District Court for the Northern District of Illinois (General Bar, 1976; Trial Bar, 1982); United States District Court for the Eastern District of Wisconsin (1985); United States District Court for the Northern District of Indiana (1990); United States District Court for the Central District of Illinois (1994); United States Court of Appeals for the 7<sup>th</sup> Circuit (1982); the United States Supreme Court (1999).

11. Brian T. Bedinghaus has been admitted to practice by the following courts: Illinois Supreme Court (2005); United States District Court for the Northern District of Illinois (2007); United States District Court for the Northern District of Indiana (2008).

12. In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.



DOUGLAS A. LINDSAY  
Executed this 15<sup>th</sup> day of April, 2008.

# **EXHIBIT C-1**

**Lewis, Overbeck & Furman, LLP  
Time And Expense Details**

Report ID: OT2025 - 22619

Date [10/24/2007 - 04/30/2008]

Printed By SKOU  
Page 1

Plumbers 130 Litigation							01043	4648 JTF Mechanical, Inc.	Lindsay, Douglas A.
Unbilled Time								Matter	Matter Reporting Name
Date	Timekeeper	Hours Worked	Hours To Bill	Rate	Amount	Task	Activity	Narrative	
3/4/2008	BTB	0.20	0.20	170.00	\$34.00			Conference with paralegal regarding service of summons	
3/5/2008	DAL	0.20	0.20	300.00	\$60.00			Diary deadlines; conference with Brian T. Bedinghaus regarding case handling	
3/6/2008	BTB	0.40	0.40	170.00	\$68.00			Arranged for issuance of Alias Summons; reviewed file; conference with paralegal	
3/7/2008	DAL	0.30	0.30	300.00	\$90.00			E-notice from court; review file; conference with Brian T. Bedinghaus and paralegal regarding service of process	
3/7/2008	RCP	1.00	1.00	85.00	\$85.00			Worked on service of process	
3/12/2008	BTB	0.50	0.50	85.00	\$42.50			Paid vendor invoice; filed summons	
3/12/2008	RCP	0.20	0.20	300.00	\$60.00			Conference with Brian T. Bedinghaus and paralegal regarding service of process	
3/12/2008	BTB	0.10	0.10	170.00	\$17.00			Conference with paralegal	
3/20/2008	RCP	0.50	0.50	85.00	\$42.50			Worked on service of process to Illinois Secretary of State	
3/21/2008	BTB	0.40	0.40	170.00	\$68.00			Conference with Douglas A. Lindsay; legal research; conference with paralegal; arranged for service on Secretary of State	
3/24/2008	RCP	1.30	1.30	85.00	\$110.50			Worked on service of process to the Illinois Secretary of State; served the Illinois Secretary of State	
3/26/2008	RCP	0.30	0.30	85.00	\$25.50			Trip to the federal courthouse to file return of service	
3/27/2008	BTB	0.10	0.10	170.00	\$17.00			Review file for status	
3/28/2008	BTB	0.10	0.10	170.00	\$17.00			Reviewed file regarding employer surety bond	
3/31/2008	BTB	0.10	0.10	170.00	\$17.00			E-notice from District Court; dialed deadlines	
3/31/2008	DAL	0.10	0.10	300.00	\$30.00			E-notice from court	
4/9/2008	RCP	0.20	0.20	85.00	\$17.00			Paid vendor invoice	
<b>Unbilled Time</b>									
<b>Totals</b>		6.00	6.00		\$601.00				
<b>Unbilled Expenses</b>									
	<b>Date</b>	<b>Amount</b>	<b>Exp Code</b>	<b>Narrative</b>					
3/7/2008	\$70.00	MISC		Constable Services - Service of Process					
3/24/2008	\$10.00	MISC		Illinois Secretary of State - Service of process					
3/31/2008	\$15.28	POST		Postage Charges					
3/31/2008	\$102.48	COPY		Photocopy Charges					
4/2/2008	\$350.00	MISC		Northern District Illinois U.S. District Court- Filing new case					
<b>Unbilled Expenses</b>									
<b>Totals</b>		\$547.76							
<b>Billed Time</b>									
	<b>Date</b>	<b>Timekeeper</b>	<b>Hours Worked</b>	<b>Hours On Bill</b>	<b>Rate</b>	<b>Amount Task</b>	<b>Activity</b>	<b>Narrative</b>	



**Lewis, Overbeck & Furman, LLP**  
**Time And Expense Details**

Report ID: OT2025 - 22619  
Monday, April 14, 2008

Date [10/24/2007 - 04/30/2008]

Printed By SKOU  
Page 3

Report Totals	Hours Worked	Hours To Bill	Fee Amount	Expense Amount	Total Amount
	13.20	13.20	\$2,370.00	\$661.92	\$3,031.92
<b>*** End Of Report ***</b>					

# **EXHIBIT D**

04-14-08BTB136903

65100-1043LIT-4648

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JAMES T. SULLIVAN, not	)
individually but as Trustee of	)
PLUMBERS' PENSION FUND, LOCAL 130,	)
U.A., PLUMBERS' WELFARE FUND,	)
LOCAL 130, U.A., THE TRUST FUND	)
FOR APPRENTICE AND JOURNEYMEN	)
EDUCATION AND TRAINING, LOCAL 130,	)
U.A., and CHICAGO JOURNEYMEN	) No. 08 C 1045
PLUMBERS' LOCAL UNION 130, U.A.,	)
GROUP LEGAL SERVICES PLAN FUND,	) Judge Virginia M. Kendall
THE PLUMBING COUNCIL OF	)
CHICAGOLAND, an Illinois not-for-profit	) Magistrate Judge Jeffrey Cole
corporation, and CHICAGO JOURNEYMEN	)
PLUMBERS' LOCAL UNION 130, U.A.,	)
	)
Plaintiffs,	)
v.	)
	)
JTF MECHANICAL, INC.,	)
an Illinois corporation,	)
	)
Defendant.	)

**JUDGMENT IN A CIVIL CASE**

THIS CAUSE coming before the Court for hearing on Plaintiffs' Motion For Entry of Judgment, due notice having been given to all parties entitled thereto, and the Court being fully advised in the premises

IT IS HEREBY ORDERED that judgment is entered in favor of Plaintiffs, James T. Sullivan, etc., et al., and against Defendant, JTF MECHANICAL, INC., in the amount of \$85,830.43; and

IT IS HEREBY ORDERED that this judgment is final, and there is no just reason to delay enforcement or appeal.

Date: \_\_\_\_\_

ENTER:

---

Virginia M. Kendall  
United States District Court Judge